

Present: Council President Downey; President Pro-Tem Woodrow; Members: Domzal, McCleary, Mooney, Pfeifer and Schmitt

Absent: None

Also Present: Village Manager, Murphy
Public Services Director, Spallasso
Assistant to the Manager, Pasioka
Director of Public Safety, Woodard
Village Attorney, Tom Ryan

President Downey called the meeting to order at 7:30 p.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA/APPROVE AGENDA

MOTION by Pfeifer, seconded by Mooney, to approve the agenda as published.

Motion carried.

PUBLIC HEARING – SUPERVISORS BERKSHIRE ESTATES PLAT ON PROPOSED SPECIAL ASSESSMENT DISTRICT

Downey declared the public hearing open at 7:32 p.m. to consider the proposed Stafford Special Assessment District.

Downey read two letters received regarding a proposed special assessment district for drainage improvements on Stafford. Joanne M. Sieterlet, owner of the lot on the southeast corner of Lahser and Stafford, states in a letter dated December 1, 2003 that she has become aware of the special assessment district to improve drainage on Stafford. Because her home will be built facing Stafford, she commits to participate in the special assessment district and pay her share of the cost of the improvements.

A letter dated December 1, 2003 from Michelle and Cliff Roesler states that they are very much opposed to any sewer underdrain system or road paving to be done on Stafford. They give Mr. Fred Porter and Clive and Gillian Catchpole permission to speak on their behalf if needed.

Clive Catchpole of 31050 Stafford commented that there have been various efforts to pave the road during the 20 years that he has lived on Stafford. He related that Stafford residents got together in February of 2001 and agreed to initially pursue remedies with the Village to eliminate the drainage problem. Items that were to be discussed with the Village included ditch refurbishment, adding gravel to the roadway and crowning the surface. Since that meeting, Catchpole has had no further contact on the subject. The organizers of the present petition have not discussed the improvement with him or asked him for his input. He was surprised to receive a notice of special assessment hearing.

Catchpole contends that there has been no maintenance or refurbishment of the current drainage system either by the Village or the residents. He believes that there would be no problem with

drainage today if the present drain system was maintained either by the Village or the residents or by action of both. He expressed concern that the new drainage system will be properly maintained.

Catchpole stated that he inquired about the cost of the proposed underdrain system and was provided with cost figures and construction plans by Spallasso. The cost to each of the 17 property owners in the special assessment district will be approximately \$3,600. Catchpole estimated the cost of the drainage work to be in the \$120,000 range, which he views as a lot of money for this project. He recalled that an engineering estimate obtained in July of 2000 for ditching and paving of Stafford was just over \$200,000 for a total project cost.

Spallasso described the proposed improvement. The project entails installation of a combination of swales and underdrains that will include 1800 linear feet of pipe and 14 catch basins. The improved drainage system will address the runoff situation completely. The surface of the road will be reshaped and re-graded and left in a much better condition than it is currently. The system will be maintained by the Village. Spallasso estimates the total project cost to be \$167,000.

The Village has received notification from the Rouge Program Office that it has been approved to receive a grant that will pay for 50% of the construction cost of this project. The grant was awarded on the basis that the drains will improve the quality of water discharged into the Rouge River. Spallasso indicated that a final step must be taken by the Wayne County Commissioners to formally authorize the appropriation of funds.

Murphy clarified the Village's policy in terms of its share of the improvements. The Village pays 100% of the cost of cutting an open ditch and 20% of the cost of upgrading a current open ditch system to a swale and underdrain system. The Village would share equally in the grant based on that percentage. The Village and homeowners combined would pay 50% of the construction costs and 100% of the engineering costs, and the grant would pay 50% of the construction costs.

Spallasso stated that the approximate cost to each property owner in the district will be revised from \$3,600 to about \$3,300 due to the addition of a property owner on the southeast corner of Stafford and Lahser. The special assessment district will consist of 18 lots.

Catchpole referred to the chapter of the Village Charter on special assessments. He asked Council to keep in mind that the principle is that those who benefit should pay for an improvement. Catchpole maintains that his property does not have a drainage problem. Because he can exit the subdivision onto 13 Mile Road without driving on Stafford, he will not benefit by drainage improvements on Stafford and should not have to pay for the improvement.

Catchpole maintains that Lot #3 of Supervisor's Berkshire Estates Plat on which a new home is to be built will benefit from the proposed drainage work. He understands that this lot has been added to the special assessment district. Catchpole contends that the property on the northeast side of Stafford and Lahser should also be included in the SAD because it benefits from the improvement.

Spallasso responded that the benefit to the property on the northeast corner of Stafford and Lahser will be limited to an outlet in the right-of-way. Whatever drainage problems exist within this lot will have to be addressed by the property owner.

Catchpole referred to Beverly Hills Council meeting minutes of 8/7/2000 and 8/21/2000 at which time there was discussion on petition language. Council was concerned at the time that people who signed a petition may not understand their commitment to pay for a portion of the improvement.

Catchpole stated that he appreciates that the proposed drainage system will be similar to the system installed in Coryell Estates, which looks nice. He affirmed that the new system must be maintained. He believes that the lack of maintenance of the current system on Stafford by the Village and residents led to some of the road problems. Catchpole asked that Council consider altering the number of residents in the special assessment district to include everyone that benefits. If the grant is received and the Village can install a nice drainage system, Catchpole thinks he will be in favor of it.

Fred Porter of 31065 Stafford stated that paving Stafford has been an ongoing issue. He expressed the view that the establishment of a special assessment district will inevitably lead to the ability to pave the street without public input. Porter stated that there is no question that there is a problem with drainage on the street. His property does not have a problem for the reason that he keeps his culvert clear. Drainage problems were created in part by residents on Stafford who filled in their culverts. Porter does not think he should have to pay for installing underdrains when restoring culverts would do.

Kathy Eley of 31090 Stafford concurs that there is a drainage problem. She asserted that the road has never been properly graded and is concerned that the road may not be maintained after the residents pay for drainage improvements.

Spallasso responded that there will be well defined drainage swales that will collect water from the edge of the road when the project is completed. The road surface itself will be reshaped and crowned properly. The intent is to use limestone material on Stafford, which is longer lasting. The Village will maintain the road properly after the improvements are made.

David Jensen of 31130 Stafford commented that there is agreement in the neighborhood that Stafford has serious drainage issues. He and his wife are interested in a drainage program. Installing drainage and properly grading the street would be a vast improvement to the quality of life in the area.

Dave Sullivan of 31240 Stafford believes that it is time to address the drainage issue, and he appreciates all the work that has gone into obtaining a grant. He thinks that there has been a communication problem on the street in that many of the residents were not aware of this proposed special assessment district. He would like to see better communication with the residents in the future.

No one else wished to be heard; the public hearing was closed at 8:07 p.m.

PUBLIC COMMENTS

Carolyn Hayes of 17332 Dunblaine mentioned an incident that took place in November on Birwood whereby a person delivering flyers in the neighborhood was arrested for stealing mail from several mailboxes. Hayes has had conversations with the Village Clerk, the Code Enforcement Officer and a Lieutenant from the Public Safety Department regarding the Village Ordinances concerning solicitation and handbill distribution and the no solicitation list.

Hayes questioned why she continues to have people trespass, ring her doorbell, and leave junk on her porch and in her mailbox if she is on the no solicitation list. She has a sign on her front door that says “no soliciting, no flyers, and no handbills”. It is her understanding that the solicitation ordinance is unenforceable. There is no way of knowing that solicitors are in the area unless the company registers with the Village first. Additionally, the ordinance does not apply to charitable organizations.

Murphy related that there was a person delivering handbills in the Village who took people’s outgoing mail. When a call was received, public safety made contact with that person. Director Woodard reported that this led to local charges, and the individual responsible was sentenced today to 35 days in jail.

Murphy stated that restrictions on handbills and solicitations are addressed in two separate ordinances. People are not allowed to solicit in Beverly Hills without a permit. If people unaware of the ordinance are soliciting in the Village, residents can call the Village. This allows us to go after the individuals and require them to obtain permits. Handbills are permitted to be delivered in the Village except in public areas. This is a right and privilege beyond what the Village can do under local control.

Ryan explained that the solicitation ordinance cannot be enforced unless there is a complaining witness who will come to court and identify who left the unwanted solicitation. If a resident has a “no solicitation” sign displayed on their property and is home when someone leaves an unwanted solicitation, they can call the public safety department. Public safety will respond, and the resident can be the witness who can perhaps prosecute that person for violation of the solicitation ordinance.

CONSENT AGENDA

Motion by Pfeifer, seconded by Schmitt, to approve the Consent Agenda as proposed:

- a. Review and consider minutes of a special Council meeting held on November 10, 2003.
- b. Review and consider minutes of a regular Council meeting held on November 17, 2003.
- c. Review and file bills recapped as of Monday, December 1, 2003.

Motion carried.

BUSINESS AGENDA

REVIEW AND CONSIDER RESOLUTION OF NECESSITY FOR STAFFORD UNDERDRAINS

A public hearing was held this evening on the proposed Stafford Special Assessment District.

Motion by McCleary, seconded by Mooney.

Resolved that the Village Council adopt the Special Assessment Resolution determining the necessity of drainage improvements on Stafford including construction of new underdrains and swales and add property described as TH24-003-352-001 to the special assessment district.

The resolution in its entirety is available for public review at the village offices.

It was clarified this special assessment district is the outcome of a petition initiated by over 50% of the property owners on Stafford requesting drainage improvements on their street. The petition to effect the improvements is conditioned on the successful grant application to the Rouge River National Wet Weather Demonstration Project. The grant has been approved by the Rouge Program Office.

There was a question regarding the additional property and whether or not it benefits to the point that it should be included in the special assessment district.

Spallasso stated that, historically, the Village has only considered fronting properties in a special assessment district and not side properties. The owner of the vacant property on the southeast side of Stafford and Lahser volunteered to be included in the district because their house will be built facing Stafford. That property owner signed a statement committing to participate financially in the assessment district. The property to the north of that lot is a side property and does not front Stafford. Council determined that this was consistent with the approach that has been taken in the past.

Council members agreed that this is a good opportunity to rectify the drainage problem on Stafford and have the state pay half of the construction cost.

Roll Call Vote:

Motion carried (7 – 0).

REVIEW AND CONSIDER SUBCOMMITTEE'S RECOMMENDATION TO FILL VACANCY ON THE PLANNING BOARD

A subcommittee consisting of Domzal, Downey, and McCleary met prior to the Council meeting this evening to consider seven candidates to fill a vacancy on the Planning Board for a term expiring on June 30, 2006. The subcommittee recommended that Council appoint Soter Art Liberty to fill the position. If Mr. Liberty is not able to serve, Lyle Russell was recommended as an alternate candidate.

Motion by Domzal, seconded by Pfeifer, to appoint Soter Art Liberty to the Planning Board for a term to expire June 30, 2006.

Motion carried.

REVIEW AND CONSIDER CONTRACT WITH ASSET STRATEGIES FOR RETIREMENT BOARD PERFORMANCE MONITORING AND INVESTMENT CONSULTING SERVICES

Woodrow stated that the Beverly Hills Retirement Board recommends accepting a contract with Asset Strategies to provide investment consulting and performance monitoring service for the Public Safety Pension Plan. Eight firms submitted Letters of Qualifications, and four of those firms were interviewed by the Retirement Board. The Pension Board directed Village administration to pursue a contract with representatives from Asset Strategies. Legal counsel has reviewed the proposed contract and is satisfied with the document.

Before Council for consideration is a contract with Asset Strategies to provide these services in an amount not to exceed \$12,500 per year for three years after which time the contract will be revisited.

Motion by Woodrow, seconded by Pfeifer.

Resolved that the Village of Beverly Hills Council approve the proposed contract with Asset Strategies to provide investment consulting and performance monitoring service for the Public Safety Pension Plan. The cost of the services will be paid from the Pension Fund in keeping with Section 3.08 of the Village Code of Ordinances.

Questions from Council were answered by Murphy. He clarified that the Retirement Board has the responsibility of making investments and the authority to enter into this contract. They also have the authority to choose and hire their own actuary.

In answer to an inquiry, Murphy brought Council up to date on the new consultant's recommendations concerning Putnam and Alliance Funds. George Vita from Asset Strategies has reviewed the portfolio of the Beverly Hills Public Safety Officers' Retirement System and is recommending that the Retirement Board at its December 16 meeting take action to dispose of the Putnam holdings and move the assets to Vanguard International. There will be discussion at that time on the Alliance Fund holdings in the portfolio.

Roll Call Vote:

Motion carried (7 – 0).

REVIEW AND CONSIDER 180' REPAIR TO COMBINED SEWER LOCATED NEAR PIERCE AND REEDMERE

McCleary related that field crews reported sink holes developing over an existing 18" combined sewer near Pierce and Reedmere a couple of months ago. Investigation of the problem showed that approximately 180 ft. of the 18" pipe has open joints that allow infiltration and create the conditions for sink holes. It was noted that the pipe to be relined is 75-80 years old.

Public Services Director Spallasso indicated that this is an emergency repair that could be addressed with funds available in the sewer operation and maintenance fund. He recommended contracting with Inland Waters, Inc. of Detroit to perform this repair at a cost of \$14,815.00. The contractor was selected by the Oakland County Drain Commission through its bidding process.

Motion by McCleary, seconded by Pfeifer.

Resolved that Council authorize proceeding with the necessary repair to the 18” combined sewer pipe at the quoted amount from Inland Waters Inc. of \$14,815.00 to be charged to account #592-543-778.

Questions from Council were addressed by Spallasso.

Roll Call Vote:

Motion carried (7 – 0).

PUBLIC COMMENTS

None.

REPORTS – MANAGER

The next meeting of the Strategic Planning Development Committee is scheduled for 7:00 p.m. on Tuesday, December 9th in the Media Center at Beverly Elementary School. Included on the agenda is a discussion on how to engage the community through the use of surveys and focus groups. There will be some exercises designed to help develop our mission, core values and vision of the strategic planning process.

The Village Woman’s Club of Beverly Hills will be at the Village offices on Saturday, December 13th and again on Saturday, December 20th from 10:00 a.m. until 2:00 p.m. for the annual Luminaria sale.

As a reminder, the last day of yard waste pick-up/leaf season is Thursday, December 11th.

Pfeifer questioned the status of the proposed Charter revisions. Ryan confirmed that the Attorney General’s office deemed it necessary to separate the first ballot question into two questions. There will be four questions on the March ballot rather than three. The corrected resolution approved by the Attorney General will be provided to Council later this week. It will be taken off the table and voted upon at the December 15 Council meeting before being sent to the Governor for approval.

Pfeifer referred to an article about the emerald ash borer in a recent SEMCOG release regarding the ability of Michigan municipalities and townships to declare a local state of disaster. She asked if this is something that requires Council action.

Murphy related that the Michigan State Police, which houses the Emergency Management Division, is drafting the necessary documents in attempt to secure federal disaster funds. If Oakland County declares a local emergency, there will be no action required on the part of the Village.

Mooney observed that the timing of the electronic message board sign at McDonald's does not appear to conform to the Village ordinance. Murphy will ask the code enforcement officer follow up on this.

Mooney commented that she has been hearing positive input about Wide Open West, a cable provider serving certain communities in the area. She questioned the possibility of WOW providing cable service in Beverly Hills as an alternative to Comcast. Pfeifer responded that this matter has been discussed by the Birmingham Area Cable Board, a body that regulates cable service in the consortium consisting of Birmingham, Beverly Hills, Bingham Farms and Franklin.

COUNCIL COMMENTS

Schmitt reported that the December Parks and Recreation Board meeting was canceled. The Southfield Township Board meeting will be held Tuesday, December 8th. The Luminaria Sale is being held by the Village Woman's Club on two Saturdays in December, the 13th and 20th in the Council chambers from 10 a.m. to 2 p.m.

Domzal congratulated the Groves High School Girls Swim Team for winning the State Championship. He stated that the Planning Board will meet on Wednesday, December 10th at which time they will be reviewing revisions to the Zoning Ordinance to incorporate the Site Development Handbook.

Domzal referred to an article in the most recent SEMCOG publication regarding the ability of communities within southeastern Michigan to be able to generate tax revenue to support services. Some communities are struggling while newer communities that have unbridled growth are not. He read a quote that he thinks describes Beverly Hills, "As communities continue to grow and eventually reach buildout, they will need to find creative ways to increase revenues and meet the growing demand of services to residents. This may include fees for services. This must also occur through best management practices, for example contracting for services, public/private partnerships, and intergovernmental relationships to provide services including such essential services as police and fire protection as well as less essential services like recreation."

Domzal mentioned that there is a subcommittee of Council looking at budget shortfalls specifically resulting from the cut back in state shared revenue. Communities including Beverly Hills will have to either find ways to be more efficient, cut services, or find ways to increase revenue without increasing taxes.

Woodrow announced that there will be a special meeting of the Retirement Board on Tuesday, December 16th at 7:30 p.m. at the public safety building.

McCleary stated that the Zoning Board of Appeals will meet on Monday, December 8th at 7:30 p.m. in the Village offices. He congratulated the Groves Girls Swim Team.

Mooney commented that the GHS Swim Team could put up a State Champs sign in Beverly Hills for a year if they pay for the sign. Mooney urged people to drive carefully during the

holiday season. She reminded people who have car seats that they can have the installation checked by calling the Public Safety Department (248/540-3400) for an appointment.

Downey referred to a report from Spallasso received by Council detailing his follow up on problems brought forth by residents concerning the traffic signal at Groves High School. Downey commented favorably on the performance of the Village staff.

Motion by Mooney, seconded by McCleary, to adjourn the meeting at 9:02 p.m.

Motion carried.

Doyle Downey
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary